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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/651,012	08/28/2003	Paul Cinquemani	802001	8418
30327	7590	11/05/2004	EXAMINER	
CHARLES R. SZMANDA 4 CROSSMAN AVENUE WESTBOROUGH, MA 01581			WILLIAMS, THOMAS J	
			ART UNIT	PAPER NUMBER
			3683	

DATE MAILED: 11/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/651,012

Applicant(s)

CINQUEMANI, PAUL

Examiner

Thomas J. Williams

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WJ

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

1. Acknowledgment is made in the receipt of the oath filed August 14, 2004.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-8 are rejected under 35 U.S.C. 102(b) as being anticipated by US 5,195,768 to Hendrix.

Re-claim 1, Hendrix discloses an inertial brake actuator, comprising: a base element 22 has a top side and a bottom side; a weight (interpreted as the combination of vehicle and ball mount 20, see column 6 lines 18-20) line 38 connects the weight to the pedal 164, the weight is slidably mounted within the base element; the interaction between the mount 20 and the base element 22 define a sliding means.

Re-claim 2, the weight is attached to the pedal, see figure 1.

Re-claim 3, a sliding means (such as sliding surfaces) are configured between the top side of base element 22 and the weight 20 bottom side.

Re-claim 4, the weight comprises a plurality of separable weight elements, see figure 1.

Re-claim 5, the base is constrained from motion relative to the motion of the towed vehicle.

Re-claim 6, shock absorber 40 moderates motion of the weight along a line of travel.

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Re-claims 7 and 8, the weight will have sufficient mass to apply a braking force of up to 35 pounds.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 9-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hendrix in view of US 6,644,761 to Schuck.

Re-claims 9 and 18-20, Re-claim 1, Hendrix teaches an inertial brake actuator, comprising: a base element 22 has a top side and a bottom side; a weight (interpreted as the combination of vehicle and ball mount 20, see column 6 lines 18-20) line 38 connects the weight to the pedal 164, the weight is slidably mounted within the base element; the interaction between the mount 20 and the base element 22 define a sliding means. However, Hendrix fails to teach the inertial brake system as having an auxiliary vacuum based brake system.

Schuck teaches a vacuum based brake system for a towed vehicle, the system responds to an inertia switch. The system comprises a vacuum pump, the pump is electrically operated in response to a vacuum switch. It would have been obvious to one of ordinary skill in the art to have provided the towed vehicle brake system of Hendrix with an auxiliary vacuum based brake system as taught by Schuck, thus providing adequate braking force to the towed vehicle.

Re-claim 10, the weight is attached to the pedal, see figure 1.

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Re-claim 11, a sliding means (such as sliding surfaces) are configured between the top side of base element 22 and the weight 20 bottom side.

Re-claim 12, the weight comprises a plurality of separable weight elements, see figure 1.

Re-claim 13, the base is constrained from motion relative to the motion of the towed vehicle.

Re-claim 14, the shock absorber 40 moderates motion of the weight along a line of travel.

Re-claims 15 and 16, the weight will have sufficient mass to apply a braking force of up to 35 pounds.

Re-claim 17, the base is constrained from motion relative to the motion of the towed vehicle, the shock absorber 40 moderates motion of the weight along a line of travel.

Conclusion

6: The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Starling, Pease, and Mizen et al. each teach an inertial weight that moves relative to a towed vehicle for applying a braking force to the towed vehicle.

Any inquiries concerning this communication or earlier communications from the examiner should be directed to Thomas Williams whose telephone number is (703) 305-1346. The examiner can normally be reached on Monday-Thursday from 6:30 AM to 4:00 PM. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Lavinder, can be reached at (703) 308-3421. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

TJW

November 2, 2004

THOMAS WILLIAMS
PATENT EXAMINER

Thomas Williams

AU 3683

11/2/04